

Executive Summary – Enforcement Matter – Case No. 48203

City of Edgewood

RN101404887

Docket No. 2014-0157-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Edgewood PWS, 207 North East Front Street, Edgewood, Van Zandt County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 9, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$253

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$253

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 16, 2013

Date(s) of NOE(s): January 17, 2014

Executive Summary – Enforcement Matter – Case No. 48203
City of Edgewood
RN101404887
Docket No. 2014-0157-PWS-E

Violation Information

Failed to comply with the maximum contaminant level (“MCL”) of 0.060 milligrams per liter for haloacetic acids (“HAA5”) based on the running annual average [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has transitioned from Stage 1 Disinfectant Byproduct monitoring to Stage 2 Disinfectant Byproduct monitoring on October 1, 2013.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the running annual average MCL for HAA5; and
- b. Within 380 days, submit written certification to demonstrate compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: James Baldwin, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-1337; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Charles Prater, Mayor, City of Edgewood, P.O. Box 377, Edgewood, Texas 75117

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES Assigned **PCW** 21-Jan-2014
30-Jan-2014 Screening 27-Jan-2014 EPA Due 31-Dec-2013

RESPONDENT/FACILITY INFORMATION

Respondent City of Edgewood
Reg. Ent. Ref. No. RN101404887
Facility/Site Region 5-Tyler Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 48203 No. of Violations 1
Docket No. 2014-0157-PWS-E Order Type Findings
Media Program(s) Public Water Supply Government/Non-Profit Yes
Multi-Media Enf. Coordinator James Baldwin
EC's Team Enforcement Team 7

Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$150

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 69.0% Enhancement Subtotals 2, 3, & 7 \$103

Notes Enhancement for three NOV's with same/similar violations, two NOV's with dissimilar violations and two agreed orders without a denial of liability.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$817
Approx. Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$253

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$253

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$253

DEFERRAL 0.0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$253

Screening Date 27-Jan-2014

Docket No. 2014-0157-PWS-E

PCW

Respondent City of Edgewood

Policy Revision 3 (September 2011)

Case ID No. 48203

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101404887

Media [Statute] Public Water Supply

Enf. Coordinator James Baldwin

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 69%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 69%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 69%

Screening Date 27-Jan-2014

Docket No. 2014-0157-PWS-E

PCW

Respondent City of Edgewood

Policy Revision 3 (September 2011)

Case ID No. 48203

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101404887

Media [Statute] Public Water Supply

Enf. Coordinator James Baldwin

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(5) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the running annual average. Specifically, the running annual average concentrations of HAA5 were 0.064 mg/L for the first quarter of 2013, 0.085 mg/L for the second quarter of 2013, and 0.082 mg/L for the third quarter of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for HAA5 caused the persons served by the Facility to be exposed to significant amounts of contaminants which do not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

272 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$150

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$817

Violation Final Penalty Total \$254

This violation Final Assessed Penalty (adjusted for limits) \$254

Economic Benefit Worksheet

Respondent City of Edgewood

Case ID No. 48203

Reg. Ent. Reference No. RN101404887

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Mar-2013	31-Jul-2015	2.33	\$39	\$778	\$817
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement an alternate method of disinfection, calculated from the last day of the first quarter of noncompliance, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$817



Compliance History Report

PUBLISHED Compliance History Report for CN600738512, RN101404887, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600738512, City Of Edgewood	Classification:	SATISFACTORY	Rating:	8.67
Regulated Entity:	RN101404887, CITY OF EDGEWOOD	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	207 NORTH EAST FRONT STREET, EDGEWOOD, VAN ZANDT COUNTY, TEXAS				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2340002				

Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	January 23, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 23, 2009 to January 23, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	James Baldwin		Phone:	(512) 239-1337	

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- | | | |
|---|--|---|
| 1 | Effective Date: 06/01/2009 | ADMINORDER 2007-1089-PWS-E (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6) | |
| | 30 TAC Chapter 290, SubChapter D 290.46(m)(4) | |
| | Rqmt Prov: Ordering Provision 3.a.ii. ORDER | |
| | Description: Failure to maintain the potable water storage tank so that they are thoroughly tight against leakage. | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2) | |
| | 30 TAC Chapter 290, SubChapter F 290.111(e)(2) | |
| | Description: Failure to submit surface water monthly operating report for January 2004. | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2) | |
| | 30 TAC Chapter 290, SubChapter F 290.111(e)(2) | |
| | Description: Failed to report SWMOR for February 2004. | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2) | |
| | 30 TAC Chapter 290, SubChapter F 290.111(e)(2) | |

Description: Failed to report SWMOR for March 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.111(e)(2)

Description: Failure to report SWMOR for April 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.111(e)(2)

Description: Failed to report SWMOR for May 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: 1 day with combined filter effluent turbidity readings above 1.0 NTU in October 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)

Description: 2 days when disinfection data were not collected in April 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)

Description: 1 day with combined filter effluent turbidity above 1.0 NTU in February 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(4)(A)

Description: April 2006 - 2 days with individual filter effluent turbidity not properly monitored.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(2)(A)

Description: April 2006 - 13 four hour periods when the plant was on-line and no combined filter effluent turbidity reported.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)

Description: February 2007 - 10.4% of combined filter effluent turbidity readings were above 0.3 NTU. This exceeds the 5% limit.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

5A THSC Chapter 341, SubChapter A 341.036

Description: Failure to comply with a Commission Order - Water Code 7.101. A person may not cause, suffer, allow or permit a violation of a statute within the commission's jurisdiction or a rule adopted or an order or permit issued under such a statute.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)(2)(B)

Description: Failure to provide for disposition of all plant wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste or by-product material from operation and/or maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)(2)

5A THSC Chapter 341, SubChapter A 341.036

Description: Failure to promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the good working condition and general appearance of all the water system's facilities.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)

Description: Failure to perform mandatory calibrations of laboratory equipment used for treatment compliance monitoring.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failure to provide a full-face self-contained breathing apparatus (SCBA) or supplied air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location.

Description: Violated the maximum contaminant level for haloacetic acids during the fourth quarter of 2007.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for haloacetic acids during the fourth quarter of 2008.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Rqmt Prov: 2005-0843-MLM-E ORDER

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 24, 2009	(783285)
Item 2	December 28, 2009	(786678)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 06/11/2013 (1140337) CN600738512
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: HAA5 MCL 2Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 2nd quarter of 2013 with a RAA of 0.085 mg/L.

- 2 Date: 06/21/2013 (1098622) CN600738512
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to provide an adequate customer service inspection program.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)
Description: Failure to have an up-to-date wastewater discharge permit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain storage tanks in according with AWWA standards.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
Description: Failure to label a chemical feed line.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)
Description: Failure to have a turbidimeter sample flow rate that meets the specifications set by the manufacturer.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)
Description: Failure to provide a toilet at the surface water treatment plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
Description: Failure to check the calibration of on-line turbidimeters at least once each week.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)
Description: Failure to have up-to-date standards for performing lab equipment calibrations.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)
Description: Failure to check the disinfectant residual entering the distribution system at least three times per day.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(1)
30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)
Description: Failure to monitor free ammonia entering distribution weekly and in distribution monthly.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)
Description: Failure to provide the minimum transfer pump capacity.

- 3 Date: 06/25/2013 (1140337) CN600738512
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: HAA5 MCL 1Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 1st quarter of 2013 with a RAA of 0.064 mg/L.

- 4 Date: 09/30/2013 (1105544) CN600738512
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to provide an adequate customer service inspection program.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain storage tanks in according with AWWA standards.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)
Description: Failure to provide a toilet at the surface water treatment plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)
Description: Failure to check the disinfectant residual entering the distribution system at least three times per day.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)
Description: Failure to provide the minimum transfer pump capacity.

5 Date: 11/15/2013 (1140337) CN600738512
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: HAA5 MCL 3Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 3rd quarter of 2013 with a RAA of 0.082 mg/L.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/23/2009 and 1/23/2014

- 1 Date: 01/23/2009 (740084) CN600738512
Self Report? NO Classification: Moderate
Citation: 2005-0843-MLM-E ORDER
30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.
- 2 Date: 01/23/2009 (740079) CN600738512
Self Report? NO Classification: Moderate
Citation: 2005-0843-MLM-E ORDER
30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for haloacetic acids during the fourth quarter of 2008.
- 3 Date: 09/21/2009 (775540) CN600738512
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failure to flush at all dead-end lines at least once per month.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the city lake intake in good working condition.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)
Description: Failure to provide a jar testing kit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to calibrate manual disinfectant analyzers at least once per month.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(B)
Description: Failure to place the intake structure at least 1,000 feet away from a boat launching ramp.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)
Description: Failure to mitigate a potential cross connection between raw and treated water lines.
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
Description: Failure to equip each filter with a rate-of-flow controller with an indication device.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
Description: Failure to provide containment for the caustic day tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)
Description: Failure to maintain standards used for calibration up-to-date.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(C)
Description: Failure to take a daily chlorine residual in the distribution.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the sludge lagoons free from excessive solids and vegetation.
- 4 Date: 08/26/2010 (844852) CN600738512
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
Description: Failure to equip each filter with a rate-of-flow controller with an indication device.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(C)
Description: Failure to take a daily chlorine residual in the distribution.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the sludge lagoons free from excessive solids and vegetation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)
Description: Failure to properly complete the disinfection process data of the SWMORs.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)
Description: Failure to provide filters designed to ensure adequate cleaning during the backwash cycle.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to complete annual storage tank inspections.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: Failure to provide an operational raw water flow meter.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)
Description: Failure to provide a toilet at the surface water treatment plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(B)
Description: Failure to maintain separation distance between a raw water intake and a boat ramp.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: Failure to establish a restricted zone of 200 foot radius from the raw water intake works.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)
Description: Failure to record turbidities in a manner to enables the determination of turbidity levels at 15-minute intervals.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide an intruder-resistant fence around the elevated tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
Description: Failure to adequately label all the chemical feed lines at a surface water plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
Description: Failure to provide an upper vent fan in the chlorination room ventilation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
Description: Failure to properly document maintenance and part-time operator activities.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure to operate the production, treatment, and distribution facilities under the supervision of a licensed operator.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)
Description: Failure to require an approved backflow prevention assembly.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
Description: Failure to have applicable backflow prevention assemblies tested initially or annually.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to provide an adequate customer service inspection program.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)
Description: Failure to provide the minimum raw water pump capacity
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)
Description: Failure to provide the minimum treatment plant capacity.

5 Date: 11/24/2010 (865925) CN600738512

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(C)
Description: Failure to take a daily chlorine residual in the distribution.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the sludge lagoons free from excessive solids and vegetation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)
Description: Failure to properly complete the disinfection process data of the SWMORs.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)
Description: Failure to provide filters designed to ensure adequate cleaning during the backwash cycle.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: Failure to provide an operational raw water flow meter.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)
Description: Failure to provide a toilet at the surface water treatment plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(B)
Description: Failure to maintain separation distance between a raw water intake and a boat ramp.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: Failure to establish a restricted zone of 200 foot radius from the raw water intake works.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)
Description: Failure to record turbidities in a manner to enables the determination of turbidity levels at 15-minute intervals.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide an intruder-resistant fence around the elevated tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
Description: Failure to adequately label all the chemical feed lines at a surface water plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
Description: Failure to provide an upper vent fan in the chlorination room ventilation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
Description: Failure to properly document maintenance and part-time operator activities.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure to operate the production, treatment, and distribution facilities under the supervision of a licensed operator.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)
Description: Failure to require an approved backflow prevention assembly.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
Description: Failure to have applicable backflow prevention assemblies tested initially or annually.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to provide an adequate customer service inspection program.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)
Description: Failure to provide the minimum raw water pump capacity
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)
Description: Failure to provide the minimum treatment plant capacity.

6 Date: 04/04/2011 (893282) CN600738512

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the sludge lagoons free from excessive solids and vegetation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)
Description: Failure to properly complete the disinfection process data of the SWMORs.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to complete annual storage tank inspections.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)
 Description: Failure to record turbidities in a manner to enables the determination of turbidity levels at 15-minute intervals.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)
 Description: Failure to require an approved backflow prevention assembly.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)
 Description: Failure to provide the minimum raw water pump capacity

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)
 Description: Failure to provide the minimum treatment plant capacity.

7 Date: 10/31/2011 (958394) CN600738512

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)
 Description: Failure to provide filters designed to ensure adequate cleaning during the backwash cycle.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)
 Description: Failure to record turbidities in a manner to enables the determination of turbidity levels at 15-minute intervals.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to provide an intruder-resistant fence around the elevated tank.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
 Description: Failure to properly document maintenance and part-time operator activities.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)
 Description: Failure to require an approved backflow prevention assembly.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
 Description: Failure to provide an adequate customer service inspection program.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)
 Description: Failure to properly complete the disinfection process data of the SWMORs.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121
 Description: Failure to maintain an up to date system monitoring plan.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
 Description: Failure to maintain the minimum residual disinfectant concentration.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
 Description: Failure to flush until an adequate residual was obtained.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
 Description: Failure to check the calibration of on-line turbidimeters at least once each week.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)
 Description: Failure to have up-to-date standards for performing lab equipment calibrations.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)
 Description: Failure to provide a jar tester for determining the optimum coagulant dose.

8 Date: 07/06/2012 (1014333) CN600738512

Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
 Description: Failure to equip each filter with a rate-of-flow controller with an indication device.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)
 Description: Failure to provide filters designed to ensure adequate cleaning during the backwash cycle.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)
 Description: Failure to record turbidities in a manner to enables the determination of turbidity

levels at 15-minute intervals.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to provide an intruder-resistant fence around the elevated tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)

Description: Failure to properly document maintenance and part-time operator activities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to provide an adequate customer service inspection program.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)

Description: Failure to properly complete the disinfection process data of the SWMORs.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to maintain an up to date system monitoring plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to flush until an adequate residual was obtained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)

Description: Failure to check the calibration of on-line turbidimeters at least once each week.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)

Description: Failure to have up-to-date standards for performing lab equipment calibrations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)

Description: Failure to provide a jar tester for determining the optimum coagulant dose.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)

Description: Failure to have an up-to-date wastewater discharge permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(B)

Description: Failure to provide an air gap or a backflow prevention device between chlorine solution feed lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)

Description: Failure to provide a toilet at the surface water treatment plant.

9 Date: 08/06/2012 (1021489) CN600738512

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)

Description: Failure to maintain the residual disinfectant levels throughout the distribution system.

10* Date: 12/28/2012 (1042636) CN600738512

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to provide an adequate customer service inspection program.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to maintain an up to date system monitoring plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)

Description: Failure to have an up-to-date wastewater discharge permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(B)

Description: Failure to provide an air gap or a backflow prevention device between chlorine solution feed lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)

Description: Failure to provide a toilet at the surface water treatment plant.

11* Date: 06/11/2013 (1140337) CN600738512

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

Description: HAA5 MCL 2Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 2nd quarter of 2013 with a RAA of 0.085 mg/L.

12* Date: 06/21/2013 (1098622) CN600738512

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to provide an adequate customer service inspection program.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)

Description: Failure to have an up-to-date wastewater discharge permit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to maintain storage tanks in according with AWWA standards.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)

Description: Failure to label a chemical feed line.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)

Description: Failure to have a turbidimeter sample flow rate that meets the specifications set by the manufacturer.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)

Description: Failure to provide a toilet at the surface water treatment plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)

Description: Failure to check the calibration of on-line turbidimeters at least once each week.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)

Description: Failure to have up-to-date standards for performing lab equipment calibrations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)

Description: Failure to check the disinfectant residual entering the distribution system at least three times per day.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(1)

30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)

Description: Failure to monitor free ammonia entering distribution weekly and in distribution monthly.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)

Description: Failure to provide the minimum transfer pump capacity.

13* Date: 06/25/2013 (1140337) CN600738512

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

Description: HAA5 MCL 1Q2013 - The system violated the maximum contaminant level for haloacetic acids during the 1st quarter of 2013 with a RAA of 0.064 mg/L.

14 Date: 09/30/2013 (1105544) CN600738512

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to provide an adequate customer service inspection program.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to maintain storage tanks in according with AWWA standards.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)

Description: Failure to provide a toilet at the surface water treatment plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)

Description: Failure to check the disinfectant residual entering the distribution system at least three times per day.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)

Description: Failure to provide the minimum transfer pump capacity.

15 Date: 11/15/2013 (1140337) CN600738512

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

Description: HAA5 MCL 3Q2013 - The system violated the maximum contaminant level for

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period January 23, 2009 and January 23, 2014

Item 1	April 08, 2009**	(740312)
Item 2	September 18, 2009**	(775540)
Item 3*	November 24, 2009**	(783285)
Item 4*	December 28, 2009**	(786678)
Item 5	May 04, 2010**	(794669)
Item 6	August 24, 2010**	(844852)
Item 7	November 22, 2010**	(865925)
Item 8	March 31, 2011**	(893282)
Item 9	October 26, 2011**	(958394)
Item 10	December 06, 2011**	(969747)
Item 11	July 03, 2012**	(1014333)
Item 12	August 03, 2012**	(1021489)
Item 13	December 21, 2012**	(1042636)
Item 14	June 14, 2013**	(1098622)
Item 15	September 24, 2013	(1105544)
Item 16	January 13, 2014	(1140337)
Item 17	January 17, 2014	(1143847)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF EDGEWOOD
RN101404887**

**§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0157-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Edgewood (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 207 North East Front Street in Edgewood, Van Zandt County, Texas (the "Facility") that has approximately 749 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on December 16, 2013, TCEQ staff documented that the running average concentrations of haloacetic acids ("HAA5") were 0.064 milligrams per liter ("mg/L") for the first quarter of 2013, 0.085 mg/L for the second quarter of 2013, and 0.082 mg/L for the third quarter of 2013.
3. The Respondent received notice of the violations on January 21, 2014.
4. The Executive Director recognizes that the Respondent has transitioned from Stage 1 Disinfectant Byproduct monitoring to Stage 2 Disinfectant Byproduct monitoring on October 1, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Two Hundred Fifty-Three Dollars (\$253) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Two Hundred Fifty-Three Dollar (\$253) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Two Hundred Fifty-Three Dollars (\$253) as set forth in Section II, Paragraph 4, above for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty

payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City Of Edgewood, Docket No. 2014-0157-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Agreed Order:
 - i. Return to compliance with the running annual average MCL for HAA5, in accordance with 30 TEX. ADMIN. CODE § 290.113; or
 - ii. Return to compliance with the running annual average MCL for HAA5, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i or 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela J. Davis
For the Executive Director

6/16/14
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Edgewood. I am authorized to agree to the attached Agreed Order on behalf of the City of Edgewood, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Edgewood waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

4-2-2014
Date

P. B. Prater
Name (Printed or typed)
Authorized Representative of
City Of Edgewood

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.